

House Study Bill 558

SENATE/HOUSE FILE _____
BY (PROPOSED DEPARTMENT OF
TRANSPORTATION AND
DEPARTMENT OF PUBLIC
SAFETY BILL)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act concerning the licensure of motor vehicle drivers under
2 eighteen years of age and making a penalty applicable.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 5289XD 82
5 dea/nh/8

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1 1 Section 1. Section 321.180B, unnumbered paragraph 1, Code
1 2 2007, is amended to read as follows:
1 3 Persons under age eighteen shall not be issued a license or
1 4 permit to operate a motor vehicle except under the provisions
1 5 of this section. However, the department may issue restricted
1 6 ~~licenses and special driver's~~ minor's school licenses to
1 7 certain minors as provided in sections 321.178 and 321.194,
1 8 and driver's licenses restricted to motorized bicycles as
1 9 provided in section 321.189. A license or permit shall not be
1 10 issued under this section or section 321.178 or 321.194
1 11 without the consent of a parent or guardian. An additional
1 12 consent is required each time a license or permit is issued
1 13 under this section or section 321.178 or 321.194. The consent
1 14 must be signed by at least one parent or guardian on an
1 15 affidavit form provided by the department.
1 16 Sec. 2. Section 321.180B, subsection 2, Code 2007, is
1 17 amended to read as follows:
1 18 2. INTERMEDIATE LICENSE.
1 19 a. The department may issue an intermediate driver's
1 20 license to a person sixteen or seventeen years of age who
1 21 possesses an instruction permit issued under subsection 1 or a
1 22 comparable instruction permit issued by another state for a
1 23 minimum of six months immediately preceding application, and
1 24 who presents an affidavit signed by a parent or guardian on a
1 25 form to be provided by the department that the permittee has
1 26 accumulated a total of twenty hours of street or highway
1 27 driving of which two hours were conducted after sunset and
1 28 before sunrise and the street or highway driving was with the
1 29 permittee's parent, guardian, instructor, a person certified
1 30 by the department, or a person at least twenty-five years of
1 31 age who had written permission from a parent or guardian to
1 32 accompany the permittee, and whose driving privileges have not
1 33 been suspended, revoked, or barred under this chapter or
1 34 chapter 321J during, and who has been accident and violation
1 35 free continuously for, the six-month period immediately
2 1 preceding the application for an intermediate license. An
2 2 applicant for an intermediate license must meet the
2 3 requirements of section 321.186, including satisfactory
2 4 completion of driver education as required in section 321.178,
2 5 and payment of the required license fee before an intermediate
2 6 license will be issued.
2 7 b. A person issued an intermediate license ~~must~~ shall
2 8 limit the number of passengers in the motor vehicle when the
2 9 intermediate licensee is operating the motor vehicle to the
2 10 number of passenger safety belts. During the six-month period
2 11 immediately following the issuance of an intermediate license,
2 12 the person issued the intermediate license shall not transport
2 13 passengers in a motor vehicle unless accompanied by a person
2 14 issued a driver's license valid for the vehicle operated who
2 15 is the parent or guardian of the intermediate licensee.
2 16 c. Except as otherwise provided, a person issued an
2 17 intermediate license under this subsection who is operating a

2 18 motor vehicle between the hours of twelve=thirty a.m. and five
2 19 a.m. must be accompanied by a person issued a driver's license
2 20 valid for the vehicle operated who is the parent or guardian
2 21 of the ~~permittee intermediate licensee~~, a member of the
2 22 ~~permittee's licensee's~~ immediate family if the family member
2 23 is at least twenty-one years of age, an approved driver
2 24 education instructor, a prospective driver education
2 25 instructor who is enrolled in a practitioner preparation
2 26 program with a safety education program approved by the state
2 27 board of education, or a person at least twenty-five years of
2 28 age if written permission is granted by the parent or
2 29 guardian, and who is actually occupying a seat beside the
2 30 driver. However, a licensee may operate a vehicle to and from
2 31 school-related extracurricular activities and work without an
2 32 accompanying driver between the hours of twelve=thirty a.m.
2 33 and five a.m. if such licensee possesses a waiver on a form
2 34 to be provided by the department. An accompanying driver is
2 35 not required between the hours of five a.m. and twelve=thirty
3 1 a.m.

3 2 Sec. 3. Section 321.194, subsection 1, Code 2007, is
3 3 amended to read as follows:

3 4 1. DRIVER'S LICENSE ISSUED FOR TRAVEL TO AND FROM SCHOOL.

3 5 Upon certification of a special need by the school board,
3 6 superintendent of the applicant's school, or principal, if
3 7 authorized by the superintendent, and upon presentation of an
3 8 affidavit signed by a parent or guardian on a form to be
3 9 provided by the department that the applicant has accumulated
3 10 a total of twenty hours of street or highway driving of which
3 11 two hours were conducted after sunset and before sunrise and
3 12 the street or highway driving was with the applicant's parent,
3 13 guardian, instructor, a person certified by the department, or
3 14 a person at least twenty-five years of age who had written
3 15 permission from a parent or guardian to accompany the

3 16 applicant, the department may issue a class C or M driver's
3 17 license to a person between the ages of fourteen and eighteen
3 18 years whose driving privileges have not been suspended,
3 19 revoked, or barred under this chapter or chapter 321J during,
3 20 and who has not been convicted of a moving traffic violation
3 21 or involved in a motor vehicle accident for, the six=month
3 22 period immediately preceding the application for the ~~special~~
3 23 minor's school license and who has successfully completed an
3 24 approved driver education course. However, the completion of
3 25 a course is not required if the applicant demonstrates to the
3 26 satisfaction of the department that completion of the course
3 27 would impose a hardship upon the applicant. The department
3 28 shall adopt rules defining the term "hardship" and establish
3 29 procedures for the demonstration and determination of when
3 30 completion of the course would impose a hardship upon an
3 31 applicant.

3 32 a. The driver's license entitles the holder, while having
3 33 the license in immediate possession, to operate a motor
3 34 vehicle other than a commercial motor vehicle or as a
3 35 chauffeur:

4 1 (1) During For the purpose of attending duly scheduled
4 2 courses of instruction and extracurricular activities within
4 3 the school district, during the hours of 6 a.m. to 10 p.m.,
4 4 over the most direct and accessible route between as follows:

4 5 (a) Between the licensee's residence and schools of
4 6 enrollment or the closest school bus stop or public
4 7 transportation service, and between schools of enrollment, for
4 8 the purpose of attending duly scheduled courses of instruction
4 9 and extracurricular activities within the school district and
4 10 locations of extracurricular activities.

4 11 (b) Between schools of enrollment.

4 12 (2) At any time when the licensee is accompanied in
4 13 accordance with section 321.180B, subsection 1.

4 14 b. A person issued a minor's school license shall not
4 15 transport passengers in a motor vehicle unless accompanied by
4 16 a person issued a driver's license valid for the vehicle
4 17 operated who is the parent or guardian of the person issued
4 18 the minor's school license.

4 19 ~~b.~~ c. Each application shall be accompanied by a statement
4 20 from the school board, superintendent, or principal, if
4 21 authorized by the superintendent, of the applicant's school.
4 22 The statement shall be upon a form provided by the department.
4 23 The school board, superintendent, or principal, if authorized
4 24 by the superintendent, shall certify that a need exists for
4 25 the license and that the board, superintendent, or principal
4 26 authorized by the superintendent is not responsible for
4 27 actions of the applicant which pertain to the use of the
4 28 driver's license. Upon receipt of a statement of necessity,

4 29 the department shall issue the driver's license. The fact
4 30 that the applicant resides at a distance less than one mile
4 31 from the applicant's school of enrollment is prima facie
4 32 evidence of the nonexistence of necessity for the issuance of
4 33 a license. The school board shall develop and adopt a policy
4 34 establishing the criteria that shall be used by a school
4 35 district administrator to approve or deny certification that a
5 1 need exists for a license. The student may appeal to the
5 2 school board the decision of a school district administrator
5 3 to deny certification. The decision of the school board is
5 4 final. The driver's license shall not be issued for purposes
5 5 of attending a public school in a school district other than
5 6 either of the following:

5 7 (1) The district of residence of the parent or guardian of
5 8 the student.

5 9 (2) A district which is contiguous to the district of
5 10 residence of the parent or guardian of the student, if the
5 11 student is enrolled in the public school which is not the
5 12 school district of residence because of open enrollment under
5 13 section 282.18 or as a result of an election by the student's
5 14 district of residence to enter into one or more sharing
5 15 agreements pursuant to the procedures in chapter 282.

5 16 EXPLANATION

5 17 This bill addresses several issues concerning motor vehicle
5 18 operators under 18 years of age.

5 19 The bill restricts the transportation of passengers in
5 20 motor vehicles driven by certain young drivers. Under the
5 21 bill, a person who has been issued an intermediate driver's
5 22 license may not transport passengers in a motor vehicle during
5 23 the first six months of licensure, unless accompanied by a
5 24 licensed driver who is a parent or guardian of the licensee.
5 25 In addition, the bill prohibits a person who has been issued a
5 26 minor's school license from transporting passengers unless
5 27 accompanied by a licensed driver who is a parent or guardian
5 28 of the licensee.

5 29 The bill imposes a new requirement to be met by an
5 30 applicant for a minor's school license (formerly referred to
5 31 as a special minor's license) which allows a person between 14
5 32 and 18 years of age, who demonstrates a special need, to drive
5 33 only for school-related purposes. The applicant must present
5 34 an affidavit signed by a parent or guardian that the applicant
5 35 has accumulated 20 hours of street or highway driving,
6 1 including two hours conducted between sunset and sunrise,
6 2 while accompanied by the applicant's parent, guardian,
6 3 instructor, a person certified by the department, or a person
6 4 at least 25 years of age who had written permission from a
6 5 parent or guardian. This is the same affidavit required of an
6 6 applicant for an intermediate driver's license. The bill also
6 7 makes technical changes to clarify that the license is valid
6 8 for travel between schools of enrollment and locations of
6 9 extracurricular activities within a school district.

6 10 Pursuant to current law, a violation of the new provisions
6 11 relating to intermediate driver's licenses or minor's school
6 12 licenses would be punishable as a scheduled violation, subject
6 13 to a fine of \$30.

6 14 LSB 5289XD 82

6 15 dea/nh/8